

Statement for Law and Justice Interim Committee

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My name is Moe Wosepka and I currently serve as Development Director for the Roman Catholic Diocese of Helena. Another hat I wear is Director of Prison Ministry. I have participated in prison ministry for the past 17 years. Our ministry efforts are both inside and outside the walls. It was through these efforts that I first became aware of the difficulties that inmates have when they are released. Housing and jobs are critical, and yet they are extremely difficult to find. This is especially true of those convicted of a felony. It is extremely difficult for those convicted as violent offenders, and next to impossible for those convicted as sexual offenders.

My thoughts are organized into three parts: First to share with you some of the difficulties that former inmates have in accessing jobs and housing. Secondly I would like mention a couple of cases where the system itself creates barriers because of the broad brush of classifications for criminal behavior, and third, I will share some thoughts on policy changes that I believe could increase the possibility of successful reentry.

Before we begin I want to mention that the difficulties with parole and reentry are not a simple issue. They are complex. It starts with the courts and then to the secure facilities. To make the way easier for an inmate when he hits the streets, and our communities safer he has to be prepared before he leaves the secure facility. The Parole process needs to be simplified as much as possible and have a more predictable release date. Agencies and faith based groups on the outside have to be there to assist former inmates as they make their way back into our communities. We need to change some thinking in our communities. I understand that people are afraid of convicted felons; however we cannot merely lock everyone up and throw away the key. Our prisons are full and our pockets are empty. Inmates are convicted, they serve their time, and most are released. We want safe communities where we don't have to worry that our family and friends will be accosted and injured or killed. If inmates are able to survive on the streets as law abiding citizens they may not resort to criminal activities. Secondly I am not assessing blame in this statement. The issues are complicated and some fault, if any, should be shared by all. I am merely trying to point out some issues that if addressed may make a huge difference in how well an inmate transitions and stays out of prison after his release. I also work mostly with male inmates, so most of the remarks will be about male inmates although I expect many of these issues relate to female offenders also.

First to share with you some of the difficulties that former inmates have in accessing jobs and housing.

Transitional Funding: Many inmates are released with \$100 gate money and the clothes on their back. They are expected to find a place to live and a job or they possibly violate their parole and are returned to prison. Most landlords won't consider renting to anyone, especially a former inmate, if that is all the money they have. In many cases the inmate cannot live with family, and it is not a good idea for them to stay with friends who may have been a part of the trouble the inmate was in before he went to prison. The inmate also needs to eat and find work clothes. He will need transportation to look for a job and hold a job. He may be able to walk or ride a bike but not in every case and bus service is only adequate in a few communities in the state. Many need a phone so prospective employers can call if they have an opening. Most of the jobs, at least initially will be part time, odd shifts, and on call. If they don't have a phone they don't get the job.

An inmate cannot pay for an apartment with \$100 so they get a cheap hotel room. \$40 to \$50 is about as cheap as they can get, so they can pay for two nights if they don't eat, one night if they do. If they get a job on the first day they are out, they may have to wait for two weeks to get their first paycheck. Without a place to live, take a shower, change clothes, and some way to find a meal they won't make it to the first paycheck.

The DOC has instituted a policy of helping inmates with additional funding through the local parole office. That money can be used for rent and some other immediate needs. First Step Ministries, an inmate transitional ministry in Helena has worked with the DOC with this program and have found it to be very helpful but it is not available in every case.

Some jobs with Montana Correctional Industries (MCE), pay minimum wage or above and an account is set up for the inmate to use to pay rent and provide for other needs when they are released. MCE also withholds child support and restitution if necessary. These jobs are not available to all inmates and most prison jobs pay a couple dollars a day. Inmates have to purchase shampoo, soap and other basics from the Canteen (the prison store) so they don't build up any savings with those jobs.

In the past we worked with Senator Windy Boy to increase gate money for inmates, money that would go to the parole office not directly to the inmate, and could be used to help get these guys on their feet. I found very quickly that there is very little stomach for giving inmates any money when they are released. Perhaps it would be best to work on a funding increase so inmates who work could get the release money credited to an account to be used after their release. I believe it would be money well spent because the cost to keep a guy on supervised release on the streets is much lower than the cost of keeping them in a secure facility.

IDs: Employers are required to determine if the new hire is in the country legally so the inmate needs to be able to prove they are a US citizen. Many inmates released from regional or contract

facilities do not have an ID and they can't get a job without one. Some are released with just their prison ID which is not acceptable to employers. They can't even use it to cash the \$100 gate money check. Many of them do not have birth records or a driver's license. MSP in Deer Lodge and the Women's prison in Billings are doing a very good job with IDs, but many in the other facilities are released without it. This is an issue that is bigger than it appears because of newer federal regulations that are resistive to release of information to other than the interested person.

Government Policies: There are government policies that make it difficult for a former inmate to reside with his family. Quite often the family, wife or girlfriend and children live in subsidized housing while the father is in prison. If the inmate is a violent offender, or has a conviction for drugs he is not allowed in subsidized housing. The former inmate has a difficult enough time finding a job that will support him let alone paying for an apartment at full rent.

The type of crime can increase the difficulty on transition. It is nearly impossible for sexual offenders to find an apartment. They have all the other issues that we just mentioned plus not being allowed to be near a school, a park or most any other place where there are children. It is nearly impossible to find a place to rent if the former inmate is a sexual offender. Jobs are more difficult also because they often cannot work where young people work, such places as McDonalds and other fast food places.

Uncertain release dates: We never know for sure when an inmate is going to be released. The date can be 30 days later than expected, maybe more. The Parole Board grants parole then the Parole offices inside and outside check out the place they are staying and approve the parole, and then the final processing begins. No one knows when these guys will hit the streets until shortly before they are released. By then the apartment may have been rented by someone else and the release is delayed even further. No landlord will hold an apartment for 30 days without payment. No employer will hold a job open for 30 days for someone they haven't even met yet. I understand this issue is being discussed and it is a critical issue. It is tough enough to find an apartment or job for these guys and not having an exact release date makes it much more difficult.

Second point: A couple of cases where the system itself creates barriers because of the broad brush of classifications for criminal behavior There are cases that I know of where the former inmate is restricted because of a violent conviction or a sexual offense. Both are actual cases. One case is a young man who after being arrested tried to get away and in the struggle a police officer fell down and was injured. This young man was charged with assault and is now classified as a violent offender. Another case, which is one of many, is an 18 year old male and a 16 year old girlfriend who were sexually active. In one such case the girl's father was not happy with the situation. He pressed charges and the young man was convicted of statutory rape. He will have to register as a sexual offender for the rest of his life. I wonder how many people living on the streets today would be in this mess if in every case that 18 year old was sent to

prison if he and his 16 year old girl friend were sexually active. The conviction follows them forever and they are always hindered in work, school, and jobs.

I know a few inmates that are sexual offenders and others who are violent offenders who I would avoid if I ever saw them on the streets, but there are others that just made a stupid mistake and got caught. They are no more a threat to our safe communities than many who are on the streets today who have never been to prison.

Policy changes that could increase the possibility of successful reentry, Create more jobs and educational opportunities. Develop programs where the inmate can work, learn valuable skills, and provide some funds to pay for housing, transportation, clothing and other needs when they are released. MCE (Montana Correctional Industries) as mentioned before does this now in a limited fashion but the programs are not available to all the inmates, partially due to the volume of inmates and the number of jobs. This type of program should be expanded in all the prisons. It would be beneficial if the transitioning inmate had some startup money when they hit the streets. An option would be for all prison jobs to pay a better wage which would include a mandated transitional savings plan. Inmates would be working to provide for their own reentry which would increase their self-esteem and commitment to their release. This may be a concern for the regional facilities, but I expect that something could be worked out to provide for inmates in those locales.

Here is an example of an effort that could be a win on several levels: Build prefab housing inside the walls. Build it in sections and have the sections transported to a job site where a crew of outside and inside workers complete the project. They could build housing for low income families, perhaps work with Habitat for Humanity or they could build housing units that would be available for inmate transition. They could contract with private sector investors with conditions on how they can be rented. The inmate would provide a valuable service for the community while learning marketable skills, and building up some cash that they can use when they transition. They may possibly be building their own house or apartment.

Another possibility for housing is to provide for incentives to encourage the private sector to invest in housing.

DOC has a goal that every inmate has an ID, a GED or other education, and a marketable skill prior to release. MSP is doing a good job making sure that inmates have a valid id when they are released but regional and contract facilities are not doing as good a job.

Inmates have an approved parole plan prior to meeting with the BOPP. The inmate works with his Unit Manager, Counselor, IPPO, and others to put the details together. His proposed job and housing is then approved by the Probation-Parole officer in the community where he will be released. This is all done prior to his appearance before the BOPP. It seems to me the current system is backwards. Currently the board grants parole then the process of approving key components, housing and job, begins. If that could be done before the board hearing, then the

inmate could present a plan that includes approved housing and approved job. Currently those are considered until after parole has been granted and if any changes are made the plan may be rejected and the inmate remains in prison. It seems that it puts a real burden on the Board of Pardons and Parole. Unit Managers and others within the walls interact with the inmate every day and will have a much better sense of how serious the inmate is about staying on the street. The inmate should have a release date that everyone can rely on. Delays cause problems with employers who cannot hold jobs open and landlords who cannot hold apartments. As mentioned before, there is some movement on this issue.

Reinstate good time. If an inmate is encouraged to improve behavior, job skills, social skills, treatment, education in order to get a sentence reduction it seems to me to be a win-win. The inmate is much better prepared for release. They would be more apt to get a job and support themselves without resorting to illegal activities. The state saves money and most importantly if the inmate is better prepared to integrate into our community our cities are safer. I have been told that if there is good time inmates take the classes or attend groups merely to get a sentence reduction. Some do I'm sure, but classes, job training, or counseling whatever reason it takes to get there certainly won't hurt them.

Our prison ministry group used to bring donuts into the prison for our Sunday gatherings. I was told by several people inside the walls that the inmates only came over for donuts. Since then several policies have changed and we can no longer bring in donuts and cannot have coffee at our gatherings. Interestingly, the numbers of inmates that attend our events remains high. We have one of the best attended programs at MSP. Who cares why the inmates do the right thing. If they do the right thing, we all benefit. And if they do it long enough it may stick.

My final recommendation is the most difficult and yet it is extremely important. We need to redo the tier system for SOs and violent offenders so that people on the street know the difference between predators and those who made a stupid mistake. Not everyone needs to be listed on the internet. Having them all on a tier system and listed on the internet when most of those people in our communities do not understand what that means merely blurs the lines and does not protect anyone. The number of SOs in the prison, predator and not, continues to grow. They are difficult to release because they cannot find a place to live or a job. Most of them will get out someday, and we would be better served if they get out under supervised release as opposed to serving their entire sentence and having no one to be accountable to when they hit the streets.

Statistics cites in nearly all national studies conclude that registration is a failed attempt at punishment. It does not deter offenders. As a matter of fact it is much like the scarlet letter of old. It causes the individual to be socially ostracized and set apart for discrimination. It actually raises recidivism rates because it causes the offender to experience increased levels of discrimination. There must be other ways to monitor this population other than registration. This population generally has the lowest levels of recidivism. Give the benefit of no registration for

those who are not diagnosed as pedophiles, and or predators and give the benefit of non-registration to those who successfully complete treatment before discharge.

Conclusion: We all want safe communities and we want to find ways to utilize the state's financial resources in an effective manner. The issues are complex, and what I mentioned here today is only a part of the overall issue. There also needs to be an emphasis on cognitive behavioral programs, treatment, parenting skills, life skills and family reunification. Work needs to be done prior to the inmate's release. All of these are part of any successful reentry initiative. The DOC has greatly increased their efforts, in part with the Reentry Task Force, transitional funding, and placement of reentry parole officers in many communities. I believe that with the focus on reentry, review of the parole process and a few policy changes we can go a long ways toward achieving those goals. Thank you for your time.